

## Table of Contents

**Chapter 15-13 Supplementary Regulations**

15-13-01	<b>Effect Of This Chapter</b> .....	1
15-13-02	<b>Lot Standards</b> .....	1
15-13-03	<b>Substandard Lots</b> .....	1
15-13-04	<b>Every Dwelling On A Lot</b> .....	1
15-13-05	<b>Yard Space For One Building Only</b> .....	1
15-13-06	<b>Yard To Be Unobstructed: Exceptions</b> .....	1
15-13-07	<b>Clear View Of Intersecting Streets</b> .....	1
15-13-08	<b>Sale Or Lease Of Required Space</b> .....	2
15-13-09	<b>Division Of Lots Below Minimum Space Requirements</b> .....	2
15-13-10	<b>Parking In Front Yard Prohibited</b> .....	2
15-13-11	<b>Use Of Land, Building And Structures</b> .....	2
15-13-12	<b>Development Standards for Private Driveways/Streets</b> .....	2
15-13-13	<b>Maximum Height Of Main Building</b> .....	3
15-13-14	<b>Home Occupations</b> .....	3
15-13-15	<b>Newspaper or periodical Racks and Stands</b> .....	10
15-13-16	<b>Temporary Uses</b> .....	16
15-13-17	<b>Guarantee For Improvements</b> .....	19
15-13-18	<b>Standards For Church Development For All Zones</b> .....	22
15-13-19	<b>Regulation Of Skateboard Ramps In Residential Districts</b> .....	24
15-13-20	<b>Commercial Schools (Low Impact)</b> .....	25

## Chapter 15-13 Supplementary Regulations

### 15-13-01 Effect Of This Chapter

The general regulatory provisions set forth in this Chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Code.

### 15-13-02 Lot Standards

Except for more flexible requirements, as those pertaining to planned unit developments, or as may be otherwise provided in this Code, every lot within the City shall have such area as is required by this Code and shall have the required frontage upon a dedicated or publicly approved street before a building permit may be issued.

### 15-13-03 Substandard Lots

The requirements of this Code as to minimum lot area or lot width shall not be construed to prevent the use for a single-unit dwelling of any lot or parcel of land in the event that such lot has been held in separate ownership prior and since adoption of this Code and zoning regulations in effect prior to the adoption of this Code have been complied with.

### 15-13-04 Every Dwelling On A Lot

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, frontage, and public improvements required by this Code for the district in which the dwelling structure is located, except that group dwelling complexes under single ownership and management which are permitted by this Code and have approval from the Planning Commission, may occupy one lot for each such multi-structure complex.

### 15-13-05 Yard Space For One Building Only

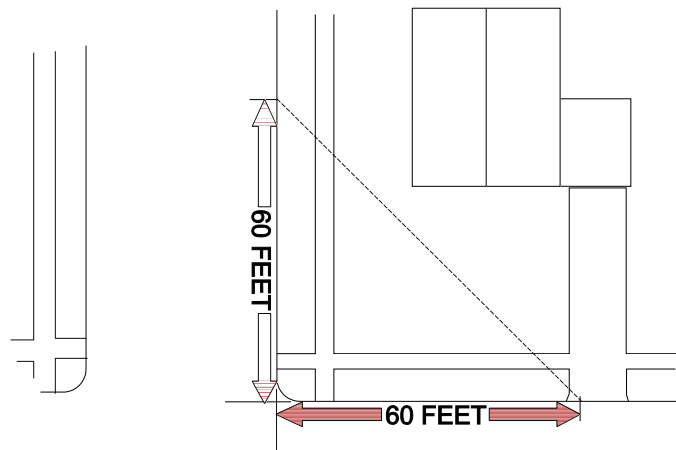
No required yard or other open space around a building, or which is hereafter provided around any building, for the purpose of complying with the provisions of this Code shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on a lot whereon a building is to be erected or established.

### 15-13-06 Yard To Be Unobstructed: Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard and for the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than 2 feet, and fire escape structures projecting into a yard not more than 5 feet.

### 15-13-07 Clear View Of Intersecting Streets

In all districts or uses for which a front yard is required, no opaque obstruction to view in excess of 3 feet high (above top back of curb) shall be placed on any corner lot within a triangular area formed by the intersection of straight lines extended from the back of the curb (or future curb) and a line connecting them at points 60 feet from the intersection of the curb line, except a reasonable number of trees pruned to permit unobstructed views to automobile drivers.



Deviations from these requirements must be reviewed and approved by the Sandy City Traffic Engineer, if found to maintain an acceptable degree of safety. Deviations beyond those approved by the Traffic Engineer must be appealed to the Board of Adjustment.

**15-13-08 Sale Or Lease Of Required Space**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Code for a lot or building may be sold or leased apart from such lot or building.

**15-13-09 Division Of Lots Below Minimum Space Requirements**

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

**15-13-10 Parking In Front Yard Prohibited**

No portion of a front yard as defined in this Code shall be used for permanent parking of motor vehicles, recreational vehicles or recreational equipment. Permanent parking, as it applies to this Chapter, shall mean parking for a consecutive period in excess of 24 hours.

**15-13-11 Use Of Land, Building And Structures**

No land shall be used or occupied and no building or structure shall be designed, erected, altered, used or occupied for any use except those uses specifically permitted on the land upon which the building or structure is located or erected or use established as permitted in the regulations for the district in which said land is located.

**15-13-12 Development Standards for Private Driveways/Streets**

Public street systems shall be encouraged for access to all residential dwelling sites. Where insufficient land access exists for a public street system, a private street system may be approved (as provided elsewhere in this code) in conformance with construction design standards as approved by the Engineering staff, and where it can be shown that no other alternatives remain.

- A. Approved driveways/streets for access to residential dwelling structures shall have a 20 foot minimum width paved surface.
- B. Driveways/streets less than 150 feet in length may serve as access for up to four lots without special requirements for turnarounds.
- C. Driveways/streets greater than 150 feet in length may serve as access for up to five lots. Driveways/private streets that have required fire department access exceeding 150 feet in length shall be provided with an approved turn-around as determined by the Fire Department. Turn-around configuration shall be approved by the Fire Department.
- D. Driveways/streets greater than 150 feet in length may serve as access to more than five lots with a required cul-de-sac turnaround with a minimum asphalt width for a public street, with the engineering specifications of a public street.

**15-13-13 Maximum Height Of Main Building**

- A. No dwelling shall be erected to a height less than one story above grade, except as may be approved by the Planning Commission upon a showing that the structure is designed for energy conservation, will be a finished building, and will comply with all City building and safety codes and this ordinance.

- B. **Exceptions To Building Height Limitations.** Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, radio and television antennas, microwave or satellite dishes, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall it provide for human occupancy.
- C. **Special Exception for Additional Building Height.** Where expressly allowed by this Code, and upon special approval of the City Council, after recommendation from the Planning Commission, actual building height may exceed the height limitation if required building setbacks (front, side, and rear) are increased by a ratio of 1.5 feet of height to one foot of additional setback.

#### 15-13-14 **Home Occupations**

- A. **Purpose.** The purposes of this section are to:

1. Provide an opportunity for Home Occupations as an accessory use, when they are compatible with the neighborhoods in which they are located. A Home Occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location.
2. Guide business activities which are not compatible with neighborhoods, to appropriate commercial zones.
3. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood.
4. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities, and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Home Occupation Ordinance, and if necessary terminate Home Occupations if violations of the ordinances regulating Home Occupations occurs, as provided for in Title 5, Chapter 16 Revised Ordinances of Sandy City (herein after referred to as R.O.S.C.)

- B. **Home Occupation License.** All Home Occupations shall be licensed, unless specifically provided an exemption in this section or in Title 5, R.O.S.C. Only the owner of a business may apply for a Home Occupation business license and the applicant must be a bona fide resident of the home. The authority to issue a license to conduct a Home Occupation shall be under the jurisdiction of the Business License Section of the Community Development Department.
- C. **Categories and Requirements of Home Occupation Licenses.** Home Occupation businesses are licensable as Category I, "Permitted Home Occupation", or Category II, "Conditional Use Home Occupation". Category II "Conditional Use Home Occupation" requires review and approval of the Planning Commission.

Category I Home Occupation businesses must comply with all of the "Standards" and all of the

“Qualifications” set forth herein. Category II Home Occupation businesses must comply with all of the “Standards” set forth herein. Category II Home Occupations may modify specific “Qualifications” through the Conditional Use process as described in the Category II section.

**D. Standards.** All Category I and Category II Home Occupations shall comply with all of the following Standards at all times:

1. **Bona Fide Resident.** The Home Occupation business shall be owned by and carried on only by a bona fide resident of the home.
2. **Satellite Office Not Allowed.** A Home Occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location. Business activities shall not be conducted at the home of an employee of a company, by non-resident company employees.
3. **Accessory Use On The Property.** The Home Occupation shall be clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.
4. **On-Site Employees.** One full-time or full-time equivalent non-resident may be employed, volunteer, or work on the premises wherein the Home Occupation business is located. No more than two (2) persons shall comprise the equivalent full-time employee, and only one (1) non-resident employee may work at the home at one time.
5. **Off-Site Employees.** Any Home Occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree or any other person engaged with the Home Occupation shall not come to the home for purposes related to the Home Occupation license, except for incidental vehicle stops.
6. **Off-Street Parking.** All business related vehicles, which park at the location of the Home Occupation, including those of the applicant, employee, customer, client or business-related visitor vehicles must be provided and use off-street parking. This provision to exclude stops made by delivery vehicles.
7. **Vehicle Advertisement.** Vehicles or equipment may not be used for the primary purpose of advertising the Home Occupation at the site of the Home Occupation.
8. **Designating Areas of Property to Be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage dedicated as the principal location for business activities.
9. **External Appearance.** The Home Occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage or accessory structures. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.
10. **Outdoor/Yard Space.** The Home Occupation shall not involve the use of any unscreened or unenclosed yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sales, service or production of goods. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
11. **Conformity with Safety Codes.** There shall be complete conformity with fire, building,

plumbing, electrical and all other city, county, state and federal codes.

12. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals or welfare.
  13. **No Excessive Utility Uses.** The Home Occupation shall not cause a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.
  14. **Neighborhood Disruptions Not Permitted.** The Home Occupation shall not interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood. The Home Occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic or other nuisances, including interferences with radio and television reception or any other adverse effects within the neighborhood.
  15. **Renter/Owner Responsibility.** If the applicant for a Home Occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the License Office.
  16. **Interior Alterations/Remodeling.** Interior alterations of the principal dwelling, for the purpose of accommodating the Home Occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas or all of the bedrooms.
- E. **Qualifications.** In addition to the Standards previously set forth, all Category I Home Occupation businesses must also comply with the provision of the Qualifications sections outlined below. If a business finds that they are unable to fully comply with all of the requirements as set forth in this Qualifications section, the applicant may pursue possible approval as a Category II business through the Conditional Use Permit process before submitting the application for a Home Occupation license.
1. **Hours.** No visitors in conjunction with the Home Occupation (clients, patrons, employees, volunteers, students, pupils etc.) shall be permitted between the hours of 10:00 P.M. and 6:00 A.M.
  2. **Traffic.** Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood, and shall be conducted so that the neighbors will not be significantly impacted by its existence. The Home Occupation shall be limited two (2) business related visitors or customers per hour, to a maximum of eight (8) business related visitors or customers per day. Business related deliveries or pickups shall not exceed two (2) per day.
  3. **Delivery Vehicles.** The receipt or delivery of merchandise, goods, or supplies for use in a Home Occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of twenty-three thousand (23,000) pounds or less.
  4. **Conducted in a Home.** When business activities are being conducted on the property that is to be licensed, the Home Occupation shall be primarily conducted within the principal home.
  5. **Maximum Floor Space.** No more than twenty-five percent (25%) of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative more than fifty percent (50%) of the total floor area of any basement of the home unit shall be utilized for the Home Occupation.

6. Signs. The Home Occupation may utilize one unanimated, non-illuminated flat sign, for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the Home Occupation is being conducted, and may not have an area greater than one (1) square foot.
  7. Display of Products. The Home Occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
  8. Category I Home Occupation License Involving Child Day Care and Other Child Group Activities
    - a. The Category I Home Occupation shall not exceed eight (8) children, associated with child day care or other child group activities (e.g. dance schools, preschool, music classes, etc.) at any one time. A maximum of eight (8) students/children is permitted per day. This number shall include the licensee's own children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.
    - b. All child day care and other group child activity facilities shall be allowed to provide safe, outdoor play time as required by Federal, State, County or local laws governing such business activity.
- F. **Category II, Conditional Use Permit Required.** If a Home Occupation is able to comply with all of the Standards, but is unable to comply with all of the Qualifications established in section 15-13-14 E, the proposed business activities must be reviewed by the Planning Commission and granted a Conditional Use Permit before pursuing a Home Occupation business license through the Business License Office of Sandy City.
1. In addition to any Conditions established by the Planning Commission at the time of its review, all Category II Home Occupations must comply with the following:
    - a. All Category II Home Occupation uses shall only be conducted from property with a single-family dwelling.
    - b. The Conditional Use Permit and the Home Occupation business license shall be maintained in good standing for the entire period that business is being conducted.
  2. The following uses are appropriate as licensable Home Occupations only if they are determined to be compatible with residential neighborhoods after full Conditional Use review by the Planning Commission, compliance with Title 5 Business Licensing, all of the Standards, all the Qualifications that have not been granted an exception through the Conditional use process and additional regulations set forth hereafter.
    - a. Child Day Care Which is Expected to Exceed eight (8) Children at One Time. The following items indicate maximum limits that may be granted by the Planning Commission.
      - (1) A maximum of twelve (12) children is permitted at any one time.
      - (2) A maximum of eighteen (18) children is permitted per day.
      - (3) These numbers shall include the licensee's and any employees' children if they are under

six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.

- (4) A maximum of 24 vehicular stops per day (for child drop off or pick up) is permitted.
- b. Other Group Child Activities Which are Expected to Generate or Exceed Eight (8) Children/Students (e.g. dance schools, preschools, music classes, other care or instruction for children) at Any One Time, Other Than Child Day Care. The following provisions indicate a maximum limit that may be granted by the Planning Commission.
  - (1) The following guidelines shall be used to determine the maximum number of students/children permitted:
    - (a) A traffic plan has been reviewed and approved by the City Transportation Engineer, which includes acceptable traffic flow, drop-off and turn-around areas; and
    - (b) The existing residential street is of sufficient width to accommodate additional vehicular traffic.
  - (2) A maximum of twelve (12) students/children per session and a maximum of twenty-four (24) students/children per day shall be permitted.
  - (3) A maximum of four (4) sessions per day may be permitted.
  - (4) All sessions combined shall not generate more than 24 vehicular stops per day.
  - (5) The total number of students/children shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.
  - (6) No Group Child Activities, Category II Home Occupation may be established within three hundred (300) feet as measured from property line to property line of another Group Child Activities, Category II Home Occupation use .
- c. Work Shops. Repair shops, including welding; carpentry; sheet metal work; furniture manufacturing; upholstery and other similar manufacturing activities.
- d. Business Not Conducted Within a Home. Any Home Occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
  - (1) The applicant for a Home Occupation licence shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation and if approved, the home occupation may be conducted only in the designated area.
  - (2) No more than a maximum 200 square feet, or in the alternative, no more than 50% of the total floor space (whichever is the greater) of any accessory structure, or attached or detached garage may be used for the Home Occupation, unless there are specific exceptions granted by the Planning Commission.



- (3) Any Home Occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the Home Occupation is located.
  - (4) Any accessory structure used for a Home Occupation, must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
  - (5) The Home Occupation may utilize one unanimated, non-illuminated flat sign to be attached the accessory structure where the home occupation is being conducted, in lieu of the sign attached to the home or in a window. The sign may not have an area greater than one (1) square foot.
- e. Home Occupations and Outdoor Activities. Any Home Occupations proposing to conduct business utilizing any yard space, or in a swimming pool.
  - f. Dangerous Home Occupations. Any Home Occupation using explosives, incendiary products and devices, flammable or hazardous chemicals.
  - g. Home Occupations Generating Excessive Traffic. Any Home Occupation which will generate in excess of two (2) customers or visitors per hour or six (6) per day. A maximum of twelve (12) business-associated visitors per day may be allowed under a conditional use permit, except as provided for with child day care and other group child activities.
  - h. Large, Business Related Vehicles. Any Home Occupation which utilizes vehicles more than twenty-four (24) feet in length.
  - i. Food or Beverage Preparation. Any Home Occupation involving or proposing to involve food or drink preparation, storage or catering. Such a Home Occupation will be considered for a conditional use permit only when it is authorized by the appropriate State or County department or agency.
  - j. More Than Two Home Occupation Licenses. Any home where the applicant(s) are seeking more than two (2) Home Occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by the nature of the occupation, substantially impair the use and value of residentially-zoned areas for residential purposes and are therefore prohibited.
- 1. Mortuaries, crematorium, columbarium, mausoleum
  - 2. Animal Hospitals and veterinary services.
  - 3. Clinics, dental offices, medical offices, chiropractic office, or hospitals.
  - 4. Junk yards, auto wrecking yards or salvage yard.
  - 5. Stables, kennels, pet store or any other commercial animal breeding or similar activities. Grooming and obedience training or activities allowed within the scope of a "hobby license" as issued by the Animal Control Department of Sandy City may be permitted.
  - 6. Storage, service, repair, sales or rental of ambulance, tow truck, recreational vehicle, water craft,

automobiles, ATV, or other motorized vehicles.

7. Food or drink preparation, storage or catering which is not permitted by appropriate State or County department or agency.
8. Fitness or health spa facility.
9. "Boutiques", "sample sale" or craft shows.
10. Auto body repair, motor vehicle repair, use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted Building and Fire Codes would require an 'Operational Permit'.
11. Number of vehicular stops/or visits exceeds twenty-four (24) per day.

#### 15-13-15 Newspaper or periodical Racks and Stands

A. **Intent and Purpose.** The Sandy City Council finds and declares that:

1. Findings.
  - a. The uncontrolled placement and maintenance of newsracks in public rights-of-way and private property presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way and private property; including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.
  - b. Newsracks so located as to cause an inconvenience or danger to persons using public rights-of-way and private property, and unsightly newsracks located therein, constitute public nuisances.
  - c. It is a matter of public necessity that Sandy City protect children and consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. Such displays are thrust indiscriminately upon unwilling audiences of adults and children and constitute assaults upon individual privacy.
  - d. These factors constitute an unreasonable interference with and obstruction of the use of public rights-of-way and private property, constitute an unwarranted invasion of individual privacy, are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.
  - e. The Council recognizes, however, that the use of such rights-of-way is so historically associated with the sale and distribution of newspapers and publications that access to those areas for such purposes should not be absolutely denied. The Council further finds that these strong and competing interests require a reasonable accommodation which can only be satisfactorily achieved through the means of this Ordinance which is designed to accommodate such interests regulating the time, place and manner of using such newsracks.

2. **Purpose.** The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals, and general welfare of persons in Sandy City in their use of public rights-of-way through the regulation of placement, appearance, number, size, and servicing of newsracks on the public rights-of-way and private property so as to:
  - a. Provide for pedestrian and driving safety and convenience;
  - b. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;
  - c. Provide reasonable access for the use and maintenance of sidewalks, piles, posts, traffic signs and signals, hydrants, mailboxes, landscaping, and similar appurtenances, and access to locations used for public transportation purposes;
  - d. Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas;
  - e. Protect the right to distribute information protected by the United States and the Utah State Constitutions through the use of newsracks.
3. **Preservation of Constitutional Rights.** It is not the intent of this Ordinance to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected.

**B. Definitions.** As used in this Section, unless the context otherwise clearly indicates:

1. *Block* means one [1] side of a street between two [2] consecutive intersecting streets.
2. *Distributor* means the person responsible for placing and maintaining a newsrack in a public right-of-way or private property.
3. *Newsrack* means any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale or free distribution of newspapers or other news periodicals or publications.
4. *Obscene* means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests; or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable State law, and taken as a whole, lacks serious literary, artistic, political, or scientific value.
5. *Parkstrip* means the area between the sidewalk and the curb of any street, and where there is no sidewalk, the area between the edge of the roadway and the property line adjacent thereto. Parkstrip shall also include any area within a roadway that is not open to vehicular travel.
6. *Roadway* means that portion of a street improved, designed, or ordinarily used for vehicular travel.
7. *Sidewalk* means any surface provided for the exclusive use of pedestrians.

8. *Street* means all the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkstrips, alleys and sidewalks.

**C. Newsracks Prohibited.**

1. No person shall install, use, or maintain any newsrack which projects onto, into, or which rests, wholly or in part, upon the roadway of any public street.
2. No person shall install, use, or maintain any newsrack which projects onto, into, or which rests, wholly or in part, upon the parkstrip of any public street.
3. No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any public sidewalk:
  - a. When such installation, use, or maintenance endangers the safety of persons or property;
  - b. When such site or location is used for public utility purposes, public transportation purposes, or other governmental use;
  - c. When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress in or egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location;
  - d. When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery;
  - e. When such newsrack does not provide a minimum sidewalk clearance of six [6] feet in width or depth;
  - f. In any other manner inconsistent with or in violation of the provisions of this Ordinance.
4. No newsrack shall be chained, cabled, mounted, or otherwise attached to any post, pole, or other device used for the direction, control, identification of vehicular traffic or the conveyance of a public utility. Such devices include, but are not limited to: stop signs, street identification signs, semaphore poles, semaphore control boxes, state highway identification signs, public utility poles.
5. No newsrack shall be located within thirty [30] feet of any street intersection.

**D. Permit Required.** It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate, on any public street or sidewalk, or in any other public way or place in Sandy City any newsrack without first having obtained a permit from the Community Development Department specifying the exact location and construction and appearance details of such newsrack.

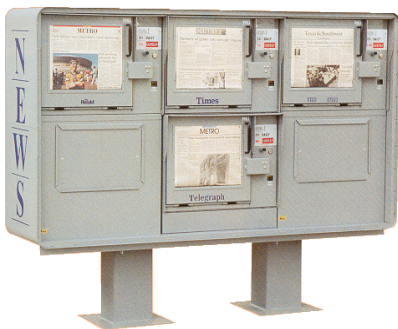
**E. Application for Permit.** Application for such permit shall be made, in writing, to the Community Development Department upon such form as shall be provided, and shall contain the name and address of the applicant, the proposed specific location of said newsrack, including plot plan, the structural design and color of the newsrack, listing of other joint distributors within the newsrack, a hold harmless agreement, proof of insurance, and shall be signed by the applicant. All applications

shall be accompanied by payment of the newsrack fee, as set by the City Council. The fee is per location, not per application.

- F. **Condition for Permit.** Such permits shall be valid for three [3] years and shall be renewable pursuant to the procedure for original applications and upon payment of the application fee.
- G. **Hold Harmless.** Every owner of a newsrack who places or maintains a newsrack on a public sidewalk or other public property in Sandy City shall file a written statement with the Community Development Department in a form satisfactory to the City Attorney, whereby such owner agrees to indemnify and hold harmless the City, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within Sandy City.
- H. **Newsrack Identification Required.** Every person or other entity which places or maintains a news rack on a public sidewalk or other public property of the city shall have his/her or its name, address, and telephone number affixed thereto in a place where such information may be easily seen. However such information shall not take up space on the rack in excess of six square inches.
- I. **Location and Placement.** Any newsrack which rests in whole or in part upon, or on any portion of a public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located in accordance with the following provisions of this Section:
1. No newsrack shall be used or maintained which projects onto, into, or over any part of the roadway or any public street, or which rests, wholly or in part upon, along, or over any portion of the roadway or parkstrip of any public street.
  2. No newsrack shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way, or any post, pole, semaphore, or governmental sign which may be adjacent to the right-of-way. Such prohibition includes all public utility poles, all street light poles, and other facilities placed and maintained by local, state, or federal governmental authorities.
    - a. No newsrack shall be placed, installed, used, or maintained:
      1. Within five [5] feet of any marked crosswalk.
      2. Within fifteen [15] feet of the curb return of any unmarked crosswalk.
      3. Within five [5] feet of any fire hydrant, or other emergency facility.
      4. Within five [5] feet of any driveway.
      5. Within three [3] feet ahead or twenty-five [25] feet to the rear of any sign marking a designated bus stop.
      6. Within five [5] feet of the outer end of any bus bench enclosure.
      7. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six [6] feet.
      8. Within three [3] feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping, or within three [3] feet of any display window of any building

abutting the sidewalk or parkstrip or in such a manner as to impeded or interfere with the reasonable use of such window for display purposes.

9. Within one hundred [100] feet of any other newsrack on the same side of the street in the same block containing the same issue or edition of the same publication.
  10. Within fifty [50] feet of all street corners, as measured from the direction change of the inside of sidewalk at the intersection in either direction.
  11. On any access ramp for disabled persons.
3. For locations upon private property, the newsrack shall be placed adjacent to the building, and be located near or at the main entrance to the facility. They shall not be placed in such a manner act as a billboard or similar off-premise advertising sign.
- J. **Newsrack and Stand Design.** No newsrack shall extend above 56" in height. All newsracks shall use dark brown or dark green coloring. Should the placement of more than one newspaper or periodical be desired, they will all be contained in one unit holding up to six newspapers or periodicals. Should more then six newspapers or periodical be desired, another rack or stand may be used. Individual periodical dispensers/racks may not be placed next to one another. (See paragraph L



for adjacent placement requirements.)

K. **Examples of Acceptable Rack and Stand Design (not a representation of color)**

- L. **Adjacent placement.** Newsracks may be placed next to each other provided there are more than six newspapers or periodicals that cannot be placed in one unit, with not more than six inches separating each newsrack. No more than two six unit newsracks shall be located on any public right-of-way within a space of two hundred feet in any direction within the same block.
- M. **Advertising Cards.** No news rack shall be used for advertising or display purposes except that news rack cards may be used to advertise the publication sold therein and the name of the publication may appear on the display window.
- N. **Standards for Maintenance and Installation.** Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, shall comply with the following standards:

1. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold or distributed therein.
2. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid for publication. The coin-return mechanism shall be maintained in good working order.
3. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this Ordinance.
4. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
  - a. It is reasonably free of dirt and grease;
  - b. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
  - c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;
  - d. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
  - e. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
  - f. The structural parts thereof are not broken or unduly misshapen.

O. **Display of Certain Matter Prohibited.** Publications offered for sale or free distribution from newsracks placed or maintained on or projecting over the street or sidewalk shall not be displayed or exhibited in a manner which exposes to public view from the street or sidewalk any of the following:

1. Any publication or material which exposes to public view any pictorial material that is obscene;
2. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront;
3. Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront; or
4. Any picture or illustration depicting explicit sexual acts as defined in this Ordinance where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.

P. **Violations.** Upon determination by the Community Development Department Director that a newsrack has been installed, used or maintained in violation of the provisions of this Ordinance, an order to correct the offending condition shall be issued to the distributor of the newsrack.

Such order shall be telephoned or made in person to the distributor and confirmed by mailing a copy of the order by certified mail return receipt requested. The order shall specifically describe the offending condition, suggest actions necessary to correct the condition, and inform the newsrack distributor of the right to appeal. Failure to properly correct the offending condition within five (5) days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order or to appeal the order within three (3) days after its receipt shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to owner under the provisions of Paragraph N hereof, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the City's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Community Development Department Director shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this Section.

- Q. **Appeals.** Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this Ordinance may appeal and shall be apprised of his right to appeal to the City's Board of Adjustment. An appeal must be perfected within three (3) days after receipt of notice of any protested decision or action by filing with the Board of Adjustment Office an application appealing the decision of the Community Development Department. Applications for such appeals are available in the Office of the Board of Adjustment, located in the Community Development Department in City Hall. The application should include a letter of appeal stating therein the basis for such appeal. A hearing shall be held at the next regularly scheduled meeting of the Board of Adjustment. The Board of Adjustment shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the Community Development Director should not be upheld. At the conclusion of the hearing, the Board of Adjustment shall make a final and conclusive decision. This decision shall be immediately appealable to a court of competent jurisdiction, provided such appeal is filed within thirty [30] days after the date of decision, as specified in this Title for District Court Review of a Board of Adjustment Decision.
- R. **Abandonment.** In the event that a newsrack remains empty for a period of thirty (30) continuous days, the same shall be deemed abandoned, and may be treated in the manner as provided in this ordinance for newsracks in violation of the provisions of this Ordinance.
- S. **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

#### 15-13-16 Temporary Uses

- A. **Purpose and Intent.** The purpose and intent of the Temporary Use Permit is to allow within the City of Sandy certain uses which are transitory in nature, as either accessory or seasonal uses, in a manner that will assure compatibility with the zone district and adjacent properties.
- B. **Temporary Use Permit Required.** A temporary use permit shall be required for the following:
1. Produce Stands - permitted only in residential zones. The produce shall be grown on the site where it is being sold.
  2. Seasonal Sales - Christmas Tree Sales, Firework Stands, Snow Cones, Ice Cream Vendors, Other similar retail uses permitted if the use is accessory to the principal use or if it is compatible with the zone in which it is located.



3. Construction Office and Equipment Sheds - permitted in all zones.
4. Road Side Stands and Temporary Retail Sales (including sidewalk and parking lot) - permitted if accessory to the principal use or if it is compatible with the zone in which it is located.
5. Carnival or Circus Accessory Uses (bazaar, fair, street dance, etc.) - permitted if it is in a compatible zone.
6. Temporary Trailer for Retail Sales and/or Office Space - permitted as a conditional use during the site plan review and/or construction of actual permanent facilities AND the temporary trailer is located on-site. Maximum temporary use permit period shall be twelve [12] months. The permit may be renewed and extended upon Planning Commission review in six [6] months increments. Permit review shall include provision of adequate temporary parking and location of facility.
7. Farmer's Market - permitted in the CBD Zone only. Site must have adequate parking. Requires a new Conditional Use Permit annually.

C. **Application for Temporary Use Permit.** An application for a Temporary Use Permit shall be made to the Community Development Department at least 10 days prior to the date of requested use. The Department may deny an application or issue a Temporary Use Permit. In authorizing a temporary use, the Community Development Department shall impose such requirements and conditions as considered necessary for the protection of adjacent properties and the public welfare in conformance with standards as provided in this Section.

1. Information Required for Application. An application for a Temporary Use Permit shall be accompanied by the following information:
  - a. A written description of the proposed use including requested length of permit and hours of operation.
  - b. A description of the lot or property on which the requested use is to be conducted. If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.
  - c. Vicinity Map.
  - d. Sufficient information to determine the yard requirements, sanitary facilities and availability of parking to serve the use.

D. **Expiration of Temporary Use Permit.** Each Temporary Use Permit shall bear an expiration date based upon the nature of the use.

5. Produce Stand - growing season (generally the summer months)
6. Seasonal Sales - expiration date based on the use
7. Contractors Office - one year
8. Road Side Stand/Temporary Retail Sales - 15 consecutive days twice a calendar year per applicant/use

9. Carnival/Circus, includes all accessory uses - 15 consecutive days in a calendar year per applicant
10. Temporary Trailer for Retail Sales and/or Office Space - twelve [12] months. The permit may be renewed and extended by the Planning Commission in six [6] months increments.
11. Farmer's Market - May not begin prior to June 1 and must terminate by November 1.
12. Any use in excess of limits above require conditional use approval.

**E.. Revocation of Temporary Use Permit.**

1. The Community Development Department shall, upon reasonable notice and after hearing, be empowered to suspend or revoke the temporary use permit of any person who violates any of the provisions of this chapter or any of the conditions set forth on their permit.
2. If, at any time, a permit under the provisions of this Chapter is suspended or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct any temporary use until a new permit is granted.

**F. Standards for Temporary Use.** A Temporary Use shall comply with general standards as provided below plus any additional conditions as may be established by the Community Development Department:

1. Acceptable space shall be available for any off-street parking and traffic circulation generated by the use. Seasonal sale roadside stands and retail sales require curb and gutter and paved or graveled surface on site.
2. Sanitary facilities shall be available for waste disposal for protection of community health and safety.
3. Night lighting shall be compatible with adjacent uses.
4. Hours of operation shall be compatible with adjacent uses.
5. Only wall signs will be allowed and must be approved by Staff.
6. No use shall be placed in the public right-of-way, display areas shall be limited and applications shall comply with the regulations of the Business Licensing Department.
7. No more than 2 per center, including those approved by the Planning Commission.

**G. Bond Required.**

1. Firework Stands. Bond requirements are set forth in the Sandy City Business licensing ordinances.
2. Circus or Carnival and Accessory Uses. A personal injury bond with a minimum of \$100,000/\$300,000 as approved by the Risk Manager, shall be posted as well as a \$1,000 clean-up bond. The insurance shall have an indemnification of Sandy City.

3. Other Temporary Uses. All other temporary uses shall post a \$1000 bond as required in the Business Licensing Ordinance.
- H. **Planning Commission Review.** When considered appropriate by the Director or the Planning Commission, a Temporary Use Permit may be referred to the Planning Commission for review.
- I. **Standards for Garage Sales.** The following standards shall apply to all garage sales at residences within Sandy City:
1. Frequency limited to three [3] times per calendar year. There shall be no more than three [3] garage sales at a residence per calendar year. The calendar year is defined as January 1 through December 31. Garage sale events must be separated by at least a fourteen [14] day period.
  2. Duration of Sale. A garage sale is permitted for a period no longer than forty-eight [48] consecutive hours.
  3. Location of Garage Sale. The garage sales shall be located at the actual residence of the owner of the materials to be sold. In the occurrence of a neighborhood garage sale event (i.e., 3-5 neighbors pool their belongings into a super garage sale), the materials must be located at the residence of one of the participating sellers.
  4. Goods to be sold. The items that are permitted to be sold must be used items from that residence. New items, or used items purchased or obtained from other locations with the intent to be resold at a garage sale are prohibited and a violation of this section.

Temporary sales within commercial areas are permitted as regulated elsewhere in this code.

#### 15-13-17 Guarantee For Improvements

- A. **A Guarantee for Improvements Is Required Prior to Final Project Approval.** Owners/Developers/Contractors who are proposing any new commercial or residential projects, other than individual home construction, or substantially modified existing commercial projects, with required on-site or off-site improvements in Sandy City shall be required to post one or more guarantees for improvements ("Guarantee(s)") prior to final approval by the city. "Approval" in this subsection, Guarantee for Improvements, shall mean recommendation from all appropriate city departments that the owner/developer/contractor be allowed to proceed with construction of the proposed project.
- B. **Developer Responsible for Performing Improvements.** All improvements, required by the approved site plan or other drawings and documents, are the responsibility of the owner/developer/contractor, except as approved by the city engineer.
- C. **Purpose of, Number of, and Forms Used for Guarantees for Improvements.** To guarantee to the City the construction, repair and/or replacement of required improvements, the owner/developer/contractor shall post one or more Guarantees, the maximum number of which shall be determined by the City Engineer, on forms acceptable to the City, before final approval.
- D. **City Engineer's Estimate.** The amount of each Guarantee shall be based on the City Engineer's estimate(s) of the reasonable construction cost of the required improvements ("Estimate(s)"). The City Engineer or his representative shall prepare one or more Estimates, the maximum number of which shall be determined by the City Engineer. Each separate Guarantee amount shall be the total

amount shown on the City Engineer's separate Estimate form(s).

- E. **Purpose of Separate Estimates.** The City Engineer may provide separate Estimate lists, itemizing certain groups of improvements, with the intent of providing the opportunity to the Developer to perform each certain group of improvements completely and then apply for release (either Initial or Final) of the Guarantee associated with that certain group of improvements. All items listed on each separate Estimate form, as well as all other items required by the City Engineer and Community Development Director, shall be performed completely, to the satisfaction of city inspectors, before any portion of the Guarantee associated with a specific Estimate shall be released. Portions of the Guarantee will not be released for individual items listed on an Estimate, even though they have been completed.
- F. **Itemization of Required Improvements on the Engineer's Estimate.** The City Engineer or his representative shall prepare one or more Estimates that may include, but shall not be limited to:
1. Any roadway improvements that are proposed to be maintained by Sandy City, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, etc.
  2. Survey monuments
  3. Survey rivets
  4. Any water system facilities that are proposed to be maintained by Sandy City, such as water main lines, service laterals, meter boxes, fire hydrants, meter boxes for 1-1/2" and larger water service laterals, pressure reducing valve stations, and other appurtenances.
  5. Irrigation and flood control systems
  6. Street lights
  7. Landscaping and sprinkling systems
  8. Streetscape (trees, benches, etc.)
  9. Any roadway or parking lot improvements that are proposed to be privately maintained, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, etc.
  10. Fencing and walls
  11. Retaining walls
  12. Trash enclosures
  13. Any other required improvements determined by the City Engineer or Community Development Director.
- G. **All Required Improvements are Part of Estimate and Guarantee.** All improvements required by the approved site plan or other drawings and documents, shall be part of the Estimate(s) and covered by the Guarantee(s), whether or not they are specifically listed in the Estimate(s).
- H. **Amount of the Guarantee.** A Guarantee in the amount of 110% of the total of the reasonable construction costs, as determined by the City Engineer, of the above improvements (F) 1- 8 and 13 above shall be provided. A Guarantee in the amount of 110% of the total reasonable construction costs of improvements, as determined by the City Engineer, of the above improvements (F) 9 may also be required. Otherwise, a Guarantee in the amount of 10% of the total reasonable construction costs of improvements, as determined by the City Engineer, of the above improvements (F) 9-13 above shall also be provided:
- I. **Performance of Required Improvements Prior to Occupancy of the Site.** Improvements listed in (F)1-6 and 9 above, or as specified by the Community Development Director and City Engineer, shall be satisfactorily installed prior to the issuance of any occupancy permit for the development unless

otherwise approved by the Community Development Director and City Engineer.

- J. **Time Period for Performance of Required Improvements.** All improvements listed above in items (F) 1-13 shall be satisfactorily installed within a period of one year from the date the Guarantee is posted with the City, unless otherwise approved by the Community Development Director and City Engineer.
- K. **Specified Sequence.** In order to protect the health, safety and welfare of the City or its residents from traffic, flood, drainage or other hazards, the City Engineer may require that the improvements, including improvements found damaged or defective prior to the final acceptance of the improvements and final release of the Guarantee, be installed or repaired in a specified sequence and/or within a specified period of time, which may be less than one year. The City Engineer will notify owner/developer/contractor in writing, at such time as he deems it is appropriate, of such requirement. Upon the failure of the owner/developer/contractor to perform the specified improvements or repairs as required by the City Engineer, the City may take whatever action it deems appropriate, including foreclosure on the Guarantee, to secure the improvements or repairs.
- L. **Release of Guarantee.** The Estimate shall be the document that governs what amounts can be released at any given time upon approval of the City Engineer. No portion of the Guarantee will be released prior to 100% completion of all required improvements as set forth above in subsection (E).
- M. **Initiating Inspections for Release of Guarantee.** Upon written request for inspections by the owner/developer/contractor, inspections of the improvements by city inspectors will be scheduled, weather permitting.
- N. **Initial or 90% Release of Guarantee.** Upon approval by all City inspectors and the City Engineer, the City may release no more than 90% of the Guarantees for items (F) 1-8 (and, in some cases, 9) above, prior to the one-year warranty period. This release shall constitute a "90%" or "Initial" release. No portion of the Estimate for items (F) 10-12 (and, in some cases, 9) may be released until after final inspections and approval by the City for the "100%" or "Final" release.
- O. **One-Year Warranty Period.** As a warranty period, a minimum of 10% of the Guarantee amount for the improvements (F) 1-8 and 13 (and, in some cases, 9) above and 100% of the Guarantee amount for items (F) 9-13 (and, in some cases, 9) shall extend for a one-year period beyond the date of the 90% or Initial Guarantee release.
- P. **Final or 100% Release of Guarantee.** Upon completion of the one-year warranty period and needed repair of any improvements, the owner/developer/contractor shall submit a written request for inspection to the City Engineer. Inspections of the improvements by city inspectors will be scheduled, weather permitting. Subsequent to field observation by city inspectors and their submittal to the developer of a notice of any deficiencies, such deficiencies shall be corrected within 30 days from time of notification. If not completed within 30 days, the City has the right to effect the completion of the improvements and/or take other action it deems appropriate. Upon approval by all appropriate City inspectors and the City Engineer, the City may release all remaining portions of the Guarantee. This constitutes a Final or 100% release of Guarantee.
- Q. **Type of Guarantee.** Every Guarantee required by this ordinance shall be approved by the City Attorney as to form and shall be in the form of:
1. An irrevocable letter of credit from a bank or credit union, chartered under the laws of the State

of Utah or the United States of America, licensed and regulated by the Department of Financial Institutions of the State of Utah or its successor and having an office in the State of Utah, which is insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund, and which has an office in the State of Utah as its place of presentation, or

2. An escrow bond having as guarantor thereon an organization licensed and regulated by the Department of Financial Institutions of the State of Utah or its successor, having an office in the State of Utah, and which is insured by the Federal Depository Insurance Corporation or National Credit Union Share Insurance Fund, and which has an office in the State of Utah as its place of presentation. Escrow Bonds shall be submitted on forms provided by the City and approved by the City Attorney and shall consist of a letter of commitment, signed by both the guarantor and owner/developer/contractor
3. A cash bond, submitted on forms provided by the City, approved by the City Attorney and signed by the owner/developer/ contractor.

**R. Special Requirements of the Guarantee Form.** The following conditions apply to all types of Guarantees and may be required as a statement or included on the form thereof:

1. The City Engineer's estimate(s) of the reasonable construction cost of the required improvements ("Estimate(s)"). Shall be considered a part of the Guarantee.
2. Upon completion of all required improvements, and following inspection and approval of the improvements by the City, a portion of the Guarantee, may be released and a portion of the original Estimate amount will be held for one year after inspection, as set forth in the Sandy City Land Development Code ("Code"), which amounts will be available to the City in case of defective workmanship or materials not corrected by the owner/developer/ contractor. After inspection and authorization from Sandy City, and following the one-year warranty period, this final amount may be released. This final portion is held to guarantee the improvements against faulty workmanship, deterioration, failure, faulty design and all other situations that do not conform to the applicable Sandy City specifications and approved drawings for the period up to the date of the final 100% Guarantee release.
3. A statement shall be signed by the owner/developer/contractor and filed with the City Engineer certifying that no material liens or mechanic (workmanship) liens exist with regard to the improvements related to any part of the Guarantee.
4. Upon the request of the City Engineer, the guarantor shall certify the amount existing in the escrow account pertaining to the Guarantee, noting the amount of the current balance and amounts released and the date of such releases.
5. The Guarantees shall be issued in the name of the party signing the Improvement Agreement document, Agreement to Conditions document and all other binding documents relating to the specific development.
6. The developer/owner/contractor may be required to sign a statement that certifies that he has or will notify all subcontractors working under him that Sandy City will not release any portion of the Guarantee until all required improvements are completed, and the work has been inspected and accepted by the City, at which time, the City may release no more than the portion as set forth in subsection (L - Q) above.

- S. **Duration, Terms, Extensions.** Every Guarantee authorized by this Code shall run to the benefit of the City and have an express term of at least three years from the date the Improvement Agreement is signed for any development to which it applies. Further, such Guarantee shall contain language ensuring the performance of the required improvements by the owner/developer/contractor and a provision for unconditional payment of the face amount of the Guarantee within 10 days from any declaration of default or forfeiture. Guarantee extensions beyond three years may be allowed under special circumstances upon written request by the owner/developer/contractor and written approval of the City Engineer. The Guaranteeing institution shall provide a written extension of the Guarantee if it is not already within the express term.
- T. **Default.** In the event that owner/developer/contractor is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the final site plan, or other development approval by the City, or earlier time as established by this Title, the City may declare the Guarantee forfeited and the City may, in its sole discretion, install or cause the required improvements to be installed, using the proceeds of the Guarantee to defray the expense thereof, including administrative overhead and/or take any other action legally available.

#### 15-13-18 Standards For Church Development For All Zones

- J. **Location of Sites.** All church sites should be located adjacent to streets which are a minimum of 60 feet wide. No church should be located where access is less than the above except for churches which can show that members will come from the local neighborhoods so that traffic impacts are lessened.
- K. Except in extraordinary circumstances, it is preferred that churches be located where there is access to two streets (corner lots) unless otherwise approved by the Planning Commission.
- L. **Parcel Size.** No minimum parcel size is required, however, the parcel chosen for a church must be adequate to meet all of the development standards to be listed below which include but are not limited to setbacks, landscaping, parking, improvements and dedications.

#### M. **Building Setbacks.**

##### 1. Commercial Zone

- a. Front. 30 feet from property line. (If project fronts on more than one street, setback applies to all street frontages.)
- b. Side and Rear. Minimum 10 feet unless located adjacent to a residential zone. In this case the minimum setback to buildings must be 30 feet.

##### 2. Residential Zone

- a. Front. 30 feet from front property line. (If project is on a corner lot, setbacks are 30 feet on one street and 20 feet on the other.)
- b. Side and Rear. Follow setbacks required according to zone property is in. A greater setback may be needed as may be deemed necessary by the Planning Commission by larger structures.

- N. **Building Height.** Maximum building height shall follow zoning that the project is in. Thirty-five (35) feet is the maximum in a residential zone or in any zone adjacent to a residential zone (not

including chimneys, steeples and the like).

#### **O. Landscaping Setbacks**

1. Front. 30 feet minimum from property line. (If on corner lot in a residential zone, 20 feet on shorter setback side.)
2. Sides and Rear. 5 feet minimum
3. Landscaping in the front areas shall also include the following:
  - a. Landscaping within the 5 foot parkstrip adjacent to the curb including grass and street trees (minimum 2 inch caliper and spaced 30 feet on center).
  - b. All front landscaping shall be bermed with 24-36 inch high random mounding as may be deemed appropriate by the Planning Commission.
4. Landscaping shall also be required within the parking lot itself where large expanses of asphalt occur. There shall be one 10 foot wide planter within the parking lot area where over 125 linear feet of asphalt occurs.

#### **P. Fencing**

1. As a general rule, fencing shall follow that of the surrounding area. However, chain link fencing is not acceptable unless prior Planning Commission approval is granted. In cases where chain link fencing is approved, vinyl coated chain link mesh will be required.
2. Acceptable fence types shall include architecturally designed brick or block fences or structural wood fences with square tube metal posts with tongue-in-groove redwood siding and redwood for all other wood members.

#### **Q. Parking**

1. All parking for church facilities shall be on-site. No parking is allowed on the street.
2. Number of parking spaces required shall be 1 space for every 4 fixed seats or as may be needed for the type of facility planned.
3. Size of parking spaces are to be 9 feet wide by 20 feet long. Driveways between parking spaces shall be a minimum of 24 feet wide.
4. No parking is permitted within the front landscape setback.

#### **I. Trash Enclosures and Accessory Buildings**

1. All trash bins shall be surrounded with 6 foot high enclosures made of the same structural wood materials as mentioned in (G) above with opaque gates. Enclosures may be combined with accessory structures or maintenance buildings. The setback of such structures shall be at least the same as front landscape setback, but in no case shall trash enclosure be adjacent to a residential lot line.



2. Maintenance buildings shall be built of the same materials as the main building (siding and roofing) so as to blend in with the entire project. Setbacks are same as main building unless built of one hour fire rated construction. In this case structure can be considered an accessory structure and can come to within one foot of the property line.
- J. **Lighting.** All lighting for church buildings, parking lots and accessory uses, if applicable, shall be downlit and not cause any adverse impact on adjacent residential areas.
- K. **Auxiliary Uses.** Auxiliary uses such as parks, ball diamonds, pavilions, etc. shall not count towards landscaping on the church site but shall stand alone and be considered as a separate site and subject to a separate conditional use approval. Any such auxiliary uses are subject to, but not limited to, the standards of this section (if applicable).
- L. **Planning Commission Conditions.** In addition to those standards cited above, the Planning Commission, upon review of a conditional use, may impose additional reasonable conditions which they feel are necessary to protect the health, safety and general welfare of the surrounding area.
- M. **Procedure for Approval.**
  1. Church facilities are conditional uses in all zones within Sandy City and as such require the Planning Commission's approval.
  2. Upon receiving a conditional use approval from the Planning Commission, all church project will proceed through the Site Plan Review Process with staff.

#### 15-13-19 Regulation Of Skateboard Ramps In Residential Districts

- A. The proposed skateboard ramp shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with ramp usage. Portions of the ramp may be located below ground level, but in no case shall any portion of the ramp exceed six feet in height above ground level, excluding handrails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m.
- B. Walls, fences, hedges, trees and other screen planting shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development.
- C. Ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents.
- D. No commercial or advertised use of the ramp shall be permitted and no donations or contributions shall be solicited or received for use or attendance at ramp activities.
- E. Written rules have been adopted by property owners to insure safe and unreasonable usage and operation of the ramp.
- F. Residents and owners of property located within 200 feet of the proposed ramp have been notified of the proposal by the applicant and have had an opportunity to comment upon its impact to the neighborhood.
- G. Property owners have reviewed the laws, ordinances, and regulations related to ramp construction and usage and have agreed to comply with such provisions.

- H. The proposed ramp shall comply with all pertinent sections of the Uniform Building Code and all zoning requirements, including side and rear yard setbacks and size regulations.
- I. It shall be a Class B misdemeanor for any owner of residential property upon which a skateboard ramp is located, to permit the ramp to be used in violation of any ordinance of Sandy City or any rule or regulation of the Salt Lake City-County Health Department, regardless of whether the property owner had knowledge of the actual violation.
- J. For purposes of the section, "skateboard ramp" or "ramp" means an outdoor structure designed and principally intended to permit persons on skateboards to move continuously from one side to the other.
- K. Submittals required for City Council review.
  - 1. The scale, design and materials of which the ramp is to be built. This is to evaluate the noise, vibration and nuisance impact of the ramp.
  - 2. The materials and location of all screening to evaluate the ramp's impact upon and harmony with adjacent properties.
  - 3. The scale, location and direction of all lighting.
  - 4. A set of written rules which will govern the usage and operation of the ramp.
  - 5. The names and addresses of all property owners within 200 feet of the proposed ramp, proof that all such owners have been notified of the proposed ramp, have had an opportunity to comment and a written statement indicating any comments received by you from them.
  - 6. A written statement that the owner has reviewed all laws, ordinances and regulations related to ramp construction and usage and a written agreement to comply therewith.

#### 15-13-20 Commercial Schools (Low Impact)

- A. **Commercial Schools (Low Impact)** are permitted as a Conditional Use within any zoning district, and to the following restrictions:
  - 1. The proposed use must have direct access to an Arterial or Major Collector street, with no access permitted to any Minor Collector or Local Street.
  - 2. The appearance of the structure shall be compatible to other uses within the same zoning district.
  - 3. Occupancy shall be limited to no more than two (2) instructors and a total of twenty (20) students at any one time. However, the number of instructors may be increased up to four (4), and/or the number of students may be increased up to a total of thirty (30) students, if it is found by the Planning Commission that the site can adequately contain the required parking while still meeting the requirements of condition #2 above, and if such allowance does not adversely impact the surrounding neighborhood.
  - 4. Required Parking

- a. Required parking shall consist of at least:
    - 1 Space for each instructor
    - 4 Visitor Spaces
    - 4 Queuing Spaces
  - b. In addition, the following is required for every 5 students or portion thereof allowed beyond the first 20 students.
    - 1 Visitor Space
    - 1 Queuing Space
  - 5. An on-site drop-off area shall be provided.
  - 6. Planning Commission review is required according to standards as outlined in Section 15-22, Site Plan Review.
- B. Any "Commercial School (Low Impact)" which cannot meet the above criteria, must meet the standard location and use allowances for "Commercial School."